

REMARKS

Claims 21-23, 25, 42-64 and 68-70 are pending in the application, with claims 21, 47 and 56 being independent. Claims 65-67 have been canceled and each of claims 21, 47 and 56 has been amended to recite that atoms constituting the first crystal region and the second crystal region correspond to each other, as set forth in the application at page 15, line 4 to page 16, line 16 and, in particular, page 15, lines 17-22 and page 16, lines 12-14. As discussed in those passages, the atoms in the first and second crystal regions of Fig. 17A correspond to each other while those of Fig. 17C do not. No new matter has been introduced.

The claims have been rejected under section 112, second paragraph, due to the alleged indefiniteness of "the first lattice image" and "the second lattice image" in independent claims 21, 47 and 56. While not conceding the merits of this rejection, applicant has amended each of the independent claims to remove the references to lattice images. Accordingly, for at least this reason, the rejection should be withdrawn. (Claims 65-67, which were rejected under section 112, second paragraph, for other reasons, have been canceled.)

Claims 21, 42, 43, 47, 51 and 52 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki (JP 08-288515A) in view of Gates (U.S. Patent No. 5,830,538). Applicants request reconsideration and withdrawal of this rejection because neither Iwasaki, Gates, nor any proper combination of the two describes or suggests an arrangement in which atoms constituting the first crystal region and the second crystal region correspond to each other, as recited in each of amended independent claims 21 and 47.

Claims 22, 23, 25, 44-46, 48-50, 53-55, 68 and 69, which depend from independent claims 21 and 47, have been rejected as being unpatentable over Iwasaki in view of Gates and Erhart (U.S. Patent No. 5,572,211) (claims 22 and 28), den Boer (U.S. Patent No. 5,539,219) (claims 23, 25, 46, 49, 50 and 55), Kobayashi (U.S. Patent No. 3,925,803) (claims 44, 45, 53 and 54) or Tran (U.S. Patent No. 5,534,445) (claims 68 and 69). Applicants request reconsideration and withdrawal of these rejections because Erhart, den Boer, Kobayashi and Tran do not remedy the failure of Iwasaki and Gates to describe or suggest the subject matter of claims 21 and 47.

Claims 56, 60 and 61 have been rejected as being unpatentable over Iwasaki in view of Inoue (U.S. Patent No. 6,153,893) and Gates. Like claims 21 and 47, independent claim 56 recites an arrangement in which atoms constituting the first crystal region and the second crystal region correspond to each other. Accordingly, applicant requests reconsideration and withdrawal of this rejection for the reasons discussed above and because Inoue does not remedy the failure of Iwasaki and Gates to describe or suggest at least this feature of independent claim 56.

Claims 57-59, 62-64 and 70, which depend from independent claim 56, have been rejected as being unpatentable over Iwasaki in view of Inoue and Gates and further in view of Erhart (claim 57), den Boer (claims 58, 59 and 64), Kobayashi (claims 62 and 63) and Tran (claim 70). Applicants request reconsideration and withdrawal of these rejections because Erhart, den Boer, Kobayashi and Tran do not remedy the failure of Iwasaki, Inoue and Gates to describe or suggest the subject matter of claim 56.

Claims 21, 44 and 45 have been rejected for obviousness-type double patenting over claim 5 of U.S. Patent 6,380,560 in view of Gates. Applicant requests reconsideration and withdrawal of this rejection in view of the amendment to claim 21. In particular, claim 5 of the '560 patent does not recite, and Gates does not describe or suggest, an arrangement in which atoms constituting the first crystal region and the second crystal region correspond to each other.

Applicant submits that all claims are in condition for allowance.

The fee in the amount of \$120 for the one-month extension of time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

  
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